

Submission on Waikato Regional Council's 'Plan Change One Variation' (PC 1A)

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I could not gain an advantage in trade competition through this submission.
I am not directly affected by an effect of the subject matter of the submission.

I wish to be heard in support of this submission

Signed:



A. J. Loader. Hon FIQ, Dip Q, Dip OSH, RSP, ASA, MNZSC.

I make this submission on PC1A, as an addition to my original submission on PC1.

The Vision and Strategy for the Waikato River as copied below is the overarching legislation that sets the direction to achieve the restoration and protection of the Waikato River for present and future generations.

The Waikato Regional Council has a statutory duty under this legislation and in my opinion it is failing and will continue to fail to comply with this legislative duty by not addressing the issue of pest fishes in the rivers.

I hold this belief due to the requirements of the sections highlighted below from the vision and strategy, that can never be complied with unless council is prepared to put in place a strategy to address the pest fishes.

Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010

Reprinted as at
25 November 2010

1. Managing compliance with the Vision and Strategy:

Schedule 2

Vision and strategy for Waikato River

Vision

(1) Tooku awa koiora me oona pikonga he kura tangihia o te maataamuri. The river of life, each curve more beautiful than the last.

(2) Our vision is for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come.

(3) In order to realise the vision, the following objectives will be pursued:

(a) the restoration and protection of the health and wellbeing of the Waikato River:

(b) the restoration and protection of the relationships of Waikato-Tainui with the Waikato River, including their economic, social, cultural, and spiritual relationships:

(c) the restoration and protection of the relationships of Waikato River iwi according to their tikanga and kawa with the Waikato River, including their economic, social, cultural, and spiritual relationships:

(d) the restoration and protection of the relationships of the Waikato Region's communities with the Waikato River, including their economic, social, cultural, and spiritual relationships:

(e) the integrated, holistic, and co-ordinated approach to management of the natural, physical, cultural, and historic resources of the Waikato River:

(f) the adoption of a precautionary approach towards decisions that may result in significant adverse effects on the Waikato River and, in particular, those effects that threaten serious or irreversible damage to the Waikato River:

(g) the recognition and avoidance of adverse cumulative effects, and potential cumulative effects, of activities undertaken both on the Waikato River and within the catchment on the health and wellbeing of the Waikato River:

(h) the recognition that the Waikato River is degraded and should not be required to absorb further degradation as a result of human activities:

(i) the protection and enhancement of significant sites, fisheries, flora, and fauna:

(j) the recognition that the strategic importance of the Waikato River to New Zealand's social, cultural, environmental, and economic wellbeing requires the restoration and protection of the health and wellbeing of the Waikato River:

(k) the restoration of water quality within the Waikato River so that it is safe for people to swim in and take food from over its entire length:

(l) the promotion of improved access to the Waikato River to better enable sporting, recreational, and cultural opportunities:

(m) the application to the above of both maatauranga Maaori and the latest available scientific methods.

Strategy

To achieve the vision, the following strategies will be followed:

(a) ensure that the highest level of recognition is given to the restoration and protection of the Waikato River:

(b) establish what the current health status of the Waikato River is by utilising maatauranga Maaori and the latest available scientific methods:

(c) develop targets for improving the health and wellbeing of the Waikato River by utilising maatauranga Maaori and the latest available scientific methods:

(d) develop and implement a programme of action to achieve the targets for improving the health and wellbeing of the Waikato River:

(e) develop and share local, national, and international expertise, including indigenous expertise, on rivers and activities within their catchments that may be applied to the restoration and protection of the health and wellbeing of the Waikato River:

(f) recognise and protect waahi tapu and sites of significance to Waikato-Tainui and other Waikato River iwi (where they do decide) to promote their cultural, spiritual, and historic relationship with the Waikato River:

(g) recognise and protect appropriate sites associated with the Waikato River that are of significance to the Waikato regional community:

(h) actively promote and foster public knowledge and understanding of the health and wellbeing of the Waikato River among all sectors of the Waikato regional community:

(i) encourage and foster a “whole of river” approach to the restoration and protection of the Waikato River, including the development, recognition, and promotion of best practice methods for restoring and protecting the health and wellbeing of the Waikato River:

(j) establish new, and enhance existing, relationships between Waikato-Tainui, other Waikato River iwi (where they so decide), and stakeholders with an interest in advancing, restoring, and protecting the health and wellbeing of the Waikato River:

(k) ensure that cumulative adverse effects on the Waikato River of activities are appropriately managed in statutory planning documents at the time of their review:

(l) ensure appropriate public access to the Waikato River while protecting and enhancing the health and wellbeing of the Waikato River.

Part 3 of the Vision has the following sub-parts:

(i) the protection and enhancement of significant sites, fisheries, flora, and fauna:

(j) the recognition that the strategic importance of the Waikato River to New Zealand's social, cultural, environmental, and economic wellbeing requires the restoration and protection of the health and wellbeing of the Waikato River:

(k) the restoration of water quality within the Waikato River so that it is safe for people to swim in and take food from over its entire length:

With the feeding activities of the Koi Carp there is no way that the river banks can be protected from erosion and the native flora and fauna protected from predation. This then means that without having a suitably funded active management strategy for pest fishes in the council plans, the Regional Council is failing in its legislative requirements under sub-part 3(i).

Sub-part 3(j) requires the restoration and protection of the health and wellbeing of the Waikato River and again without having a suitably funded active management strategy for pest fishes in the long term plan, the Regional Council is failing in its legislative requirements under sub-part 3(j).

Sub-part 3(k) requires the restoration of the water quality within the Waikato River so that it is safe to swim in and take food from over its entire length and yet if there is no adequate strategy to control the pest fishes then the sedimentation of the water and the predation of both the fauna and their habitat means that the Regional Council is failing in its legislative requirements under sub-part 3(k).

Section i of the Strategy requires:

(i) encourage and foster a "whole of river" approach to the restoration and protection of the Waikato River, including the development, recognition, and promotion of best practice methods for restoring and protecting the health and wellbeing of the Waikato River:

Section k of the Strategy requires:

"(k) ensure that cumulative adverse effects on the Waikato River of activities are appropriately managed in statutory planning documents at the time of their review:"

Under these sections I contend that the Regional Council has a statutory requirement to take into account the adverse effects of Koi Carp given that they are a well-known, problem invasive species, that are listed on the Department of Conservation website as an unwanted organism and a noxious species.

Under the Pest Management section of the WRC's proposed Long Term Plan and under PC1 no provision is made for the control of Koi Carp or other pest fishes.

A review of Council's pest management priorities would appear both fiscally prudent and show compliance with the requirement under section (k), "*to ensure that cumulative adverse effects on the Waikato River of activities are appropriately managed in statutory planning documents at the time of their review*".

Remedy:

That PC 1 is changed to include a management strategy for the eradication or control of pest fishes.

2. Management of Nitrogen discharges:

39 per cent of Nitrogen and 55 per cent of Phosphorus come from other sources than farming. The facts are that, yes, farming is a contributor, but it is not alone. What about these other sources?

From the council figures, we know that 7 per cent of the N and 18 per cent of the P comes from point sources and the balance (32 per cent N and 37 per cent P) is from natural sources.

It is now a provable fact, using publically available water quality monitoring data, that nitrogen is not the major problem in the majority of sub-catchments with most currently meeting the eighty year targets for nitrogen discharge levels.

Yet PC 1 places emphasis on managing N, almost to the exclusion of all the other contaminants – P, sediment and pathogens. This introduces (Rules 3.11.5, Section 3.11.5.3 (2) and Schedule B) into the Plan the need for farm-level "Nitrogen Reference Points" (NRP), "Grandparenting" and the use of the "Overseer" nutrient management model (or any other approved model).

Plan Change 1 cannot hope to achieve the statutory expectations of the Waikato Settlement Act's 'vision & strategy' because the V&S assumes reduction in impact, whereas PC1 motivates property owners to maximise their use of grand parented 'rights' in relation to Nitrogen discharges.

Plan Change 1 rewards the most those who have done the least to reduce their environmental impacts.

It is noted that within the current Section 32 analysis, estimated Nitrogen losses from non-dairy pastoral land use have increased by only 4% over the period 1972 to 2012.

Remedies:

- **That all sub-catchments have water quality monitored to identify the sub-catchments where nitrogen is the major limiting nutrient.**

- *That all sub-catchments have water quality monitored to identify the levels of contaminants being discharged from point sources.*
- *That Overseer should not be used as a regulatory tool but can be used to undertake qualitative what-if-analysis if required for a given sub-catchment where N is identified as a limiting nutrient in that sub-catchment or the wider Waikato/Waipā Rivers.*
- *That any required reduction in emissions from farming operations be made on the basis of the total percentage emitted from farming (i.e. 61%N & 45%P) as a part of the total reduction required for all waterways*
- *Identify other off-farm solutions to reduce N and P loadings on the rivers that are reasonable and equitable.*

3. Land Use Change and Food Security:

Restricting land use change on a broad scale across the Waikato and Waipā catchments is unjustified and should be removed from the plan. Land use flexibility is fundamental to sustainable primary production enterprises and especially in relation to food production, where the horticultural industry must be able to respond to the demands of an increasing population.

The Waikato Region currently produces approximately sixty percent of New Zealand's fresh fruit and vegetables but under the rules enacted by PC1 a perverse outcome is that this figure will reduce as more land gets transferred to non-horticultural usage with the associated requirement to source supply from outside the region and the resultant effects of raising prices and reducing the security of food supply.

In relation to horticulture the result of the proposed changes means that effectively there is no expansion of any horticultural production within the Waikato/Waipā catchments from this point forward. This will (due to expanding population) eventually have the end result of transferring food production (and the consequent effects) to other areas outside of these catchments.

The ability to make Land Use change will also be required if, as the current government is championing, there is to be a reduction in pastoral farming and an associated increase in the use of plant protein as an alternative food source, but currently under the rules in PC1 this is prevented from happening.

The use of plant based proteins will require a much greater level of horticultural production but this is now impossible as the proposed plan change has implemented rules that stop any new horticulture operations from being undertaken anywhere in the Waikato/Waipā catchments.

An effects based approach more consistent with the RMA would be to allow intensification where contaminant discharges are maintained, reduced or offset using "**Best Practicable Options**" on an individual sub-catchment basis.

Remedies:

- **Remove Non-Complying Land Use Change Rule from PC1.**
- **That Horticulture be a permitted activity within individual sub-catchments, based on criteria that ensure discharges are maintained, reduced or offset using Best Practicable Options for those individual sub-catchments.**

Signed:

A handwritten signature in blue ink, appearing to read 'A. J. Loader', with a long horizontal flourish extending to the right.

A. J. Loader. Hon FIQ, Dip Q, Dip OSH, RSP, ASA, MNZSC.

Date: 12th May, 2018